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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: 1/20/05 Name: Anthony P. Curtis, Ph.D., 46,193 Signature: [Signature]

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& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Kiyoshi Kobayashi

Appln. No.: 10/025,317

Filed: December 18, 2001

For: Method for Making Perpendicular Magnetic Recording Head Having Inverted Trapezoidal Main Magnetic Pole Layer

Attorney Docket No: 9281/4253

Examiner: Paul D. Kim
Art Unit: 3729

Mail Stop Patent Ext.
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Check for \$200; Transmittal Cover Letter (1p.); Petition for Reconsideration of the Patent Term Adjustment Under 37 C.F.R. §1.705(d)
- ☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☒ A check in the amount of \$200 is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Date

1/20/05

Respectfully submitted,

[Signature]
Anthony P. Curtis, Ph.D. (Reg. No. 46,193)



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Alexandria, VA 22313-1450

1/20/05
Date of Deposit

Anthony P. Curtis, Reg. No. 46,193

Name of applicant, assignee or
Registered Representative

Signature

1/20/05
Date of Signature

Our Case No. 9281-4253

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kiyoshi KOBAYASHI

Serial No. 10/025,317

Filing Date: December 18, 2001

For: METHOD FOR MAKING PERPENDICULAR
MAGNETIC RECORDING HEAD HAVING
INVERTED TRAPEZOIDAL MAIN
MAGNETIC POLE LAYER

Examiner: Kim, Paul D.

Group Art Unit No. 3729

PETITION FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)

Mail Stop Patent Ext
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

U.S. Patent Application Serial No.: 10/025,317 issued as U.S. Patent
6,836,957 on January 4, 2005, with a patent term adjustment under 35 U.S.C. §
154(b) of 294 days. U.S. Patent No. 6,836,957 is not subject to a terminal

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disclaimer. For the reasons stated herein, reconsideration of this patent term adjustment is respectfully requested.

Period of adjustment under 37 C.F.R. § 1.703(a)

Applicants agree with the PTO calculation of the period of adjustment under 37 C.F.R. § 1.703(a)(1) of 393 days.

Period of adjustment under 37 C.F.R. § 1.703(b)

The period of adjustment under 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed under 35 U.S.C. § 111(a).

The present application was filed on December 18, 2001. The 3 year date specified in 37 C.F.R. § 1.703(b) is December 18, 2004. The patent issued on January 4, 2005. The difference between the 3 year date and the issue date is 17 days.

Reduction in period of adjustment under 37 C.F.R. § 1.704(b)

With respect to the grounds for adjustment set forth in 37 C.F.R. § 1.703(a)-(e), an applicant is deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods or time in excess of three months that are taken to reply to any notice or action by the Office. Any such three month period is measured from the date the notice or action was mailed to the applicant. The period of adjustment set forth in 37 C.F.R. § 1.703 shall be reduced by the number of days beginning on the day ("the 3 month date") after the date that is three months after the date of mailing of the Office communication.

A non-final rejection was mailed on March 17, 2004. A response to the non-final rejection was received by the PTO on June 18, 2004. The PTO calculated this delay as 1 day.

A Notice of Allowance was mailed on July 28, 2004. Applicants' Agent received a copy of a search report issued for the corresponding Japanese Patent Application on September 17, 2004 and filed a supplemental IDS containing the

search report and references included therein on September 29, 2004, within one month of receiving the materials. The USPTO considered the filing of the supplemental IDS as a supplemental reply or other paper and charged Applicants with a 98 day delay under 37 C.F.R. § 1.704(b)(8).

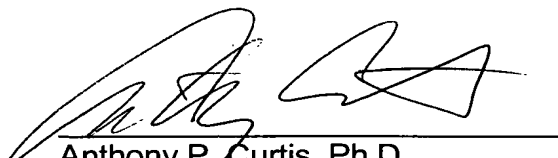
However, Applicants contend that 1) the supplemental IDS was timely filed and thus no reduction is appropriate or alternatively if a delay is to be charged, it is more properly charged under 37 C.F.R. § 1.704(b)(10) as in the intervening time between the filing of the response to the non-final rejection and the filing of the supplemental IDS, the Notice of Allowance was mailed. In the latter case, 37 C.F.R. § 1.704(b)(10) states that, "the period of adjustment set forth in § 1.703 shall be reduced by the lesser of: (i) The number of days, if any, beginning on the date the amendment under §1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under §1.312 or such other paper; or (ii) Four months." In the instant case, since no response was necessary (or mailed), the lesser of these two time periods is 0 days. Thus, again, no delay should have been charged to the Applicants.

Total patent term adjustment

For the present application, the total patent term adjustment under 37 C.F.R. § 1.703(f) is the period of adjustment under 37 C.F.R. § 1.703 reduced by the reduction under 37 C.F.R. § 1.704. The total adjustment is thus 393 days + 17 days - 1 day = 409 days, not 294 days as calculated by the PTO.

Applicants respectfully request reconsideration of the patent term adjustment for this application. Office personnel are invited to contact the undersigned for Applicants via telephone if such communication would expedite this request.

Respectfully submitted,



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Agent for Applicants

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